

REMARKS

Claims 13-19 are pending in the application. It is respectfully submitted that this paper is fully responsive to the Office Action dated April 15, 2008.

As to the Merits:

As to the merits of this case, the Examiner maintains the following rejections:

claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Li; and

claims 14-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Li in view of Dorenbosch et al. (of record).

Each of these rejections is respectfully traversed.

In the response filed on February 7, 2008, Applicant argued that the Li reference fails to disclose an instant message IM server. The Examiner disagrees and asserts in item 3 of pages 2 and 3 of the Action that:

Li teaches the “dedicated server device 106” can be the “central authority” for assigning universally unique identifiers for each user in the network (Page 3 [0032 & 0034]) and “a request message to the new buddy user can be stored by server device 106 and provided to the buddy user when he/she comes online again”. ...

Therefore, one of ordinary skill in the art would recognize that the “User Interface Layer 302” would be implemented on the peer computer (Fig. 2A [102] and Pages 6-7 [0083-0088]), but that it is a design choice as to whether Function Logic Layer and P2P Network Layer (Fig. 3 [304 & 306] are implemented in the dedicated server device (Fig. 2A [106] & Pages 7 [0090]) or in the peer computer (Page 6 [0076]), as both options are taught by Li.

However, it appears that the Examiner has failed to appreciate that claim 13 requires that the instant message received from the terminal of the forwarder is stored in the communication device when the user of the forwarding destination is not logged in the instant message server.

In other words, while Li may disclose that a request message to the new buddy user can be stored by server device 106 and provided to the buddy user when he/she comes online again, in claim 13 the instant message is not stored in the instant message server, but instead is stored in the communication device.

For example, as shown in Fig. 1 of the present application, the first client terminal 16A and the second client terminal 16B are client terminals that log into the IM server 14 to use the IM service. The communication device 100 also includes a function as a client terminal of the IM server 14. In addition, the communication device 100 includes a function for temporarily storing the instant message, and when a transmission destination logs in, transmitting the instant message.

That is, independent claim 13 includes a terminal of a forwarder, i.e., first client terminal 16A, a terminal of a forwarding destination, i.e., second client terminal 16B, an instant message server, i.e., IM server 14, and a communication device, i.e., communication device server 100, which are all shown, for example, in Figure 1 of the present application.

However, while Li clearly discloses that an optional dedicated server device 106 may be connected in the peer to peer network, as shown in Figure 2A, it is respectfully submitted that such server device 106 fails to constitute an instant message server, and instead corresponds to the communication device server 100 and not the IM server 14, for example, as shown in Figure 1 of the present application. That is, as noted by the Examiner, Li discloses that "a request message to the new buddy user can be stored by server device 106 and provided to the buddy user when he/she comes online again," which is the same function performed by the communication device in claim 13.

For example, claim 13 calls for *transmitting an instant message including identification information of the terminal of the forwarding destination from the terminal of the forwarder to a communication device when the user of the forwarding destination is not logged in the instant message serve, ...*

detecting by the communication device, whether or not the user of the forwarding destination designated as the terminal of the forwarding destination is logged in the instant message server; and

transmitting the instant message stored in the means for storing from the communication device to the terminal of the forwarding destination when the user of the forwarding destination logs into the instant message server.

Accordingly, it is respectfully submitted that Li, at best, suggests that the server device 106 may perform a similar feature as the communication device in claim 13, Li simply fails to include an IM server in its peer to peer network. As such, it is respectfully submitted that Li fails to disclose the following features set forth in claim 13:

*detecting by a terminal of a forwarder, whether or not a user of a terminal of a forwarding destination is logged in **an instant message server**;*

*transmitting an instant message including identification information of the terminal of the forwarding destination from the terminal of the forwarder to a communication device when the user of the forwarding destination is not logged in **the instant message server**; ...*

*detecting by the communication device, whether or not the user of the forwarding destination designated as the terminal of the forwarding destination is logged in **the instant message server**; and*

*transmitting the instant message stored in the means for storing from the communication device to the terminal of the forwarding destination **when the user of the forwarding destination logs into the instant message server**,*

As such, it is respectfully submitted that Li fails to anticipate the features of claim 13, since Li fails to disclose or fairly suggest each and every feature of claim 13.

In view of the above remarks, Applicant submits that the claims are in condition for allowance. Applicant requests such action at an early date.

Application No.: 10/809,889
Art Unit: 2617

Response under 37 CFR §1.116
Attorney Docket No.: 042089

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Thomas E. Brown
Attorney for Applicants
Registration No. 44,450
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TEB/nrp